

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TIMOTHY DURLEY,

Plaintiff,

v.

Case No. 22-CV-1127

CHERYL JEANPIERRE,

Defendant.

ORDER

On September 26, 2022, plaintiff Timothy Durley, who is incarcerated at Waupun Correctional Institution, filed a complaint under 42 U.S.C. § 1983. (ECF No. 1.) On January 27, 2023, Chief Judge Pamela Pepper allowed Durley to proceed *in forma pauperis* and screened his complaint. (ECF No. 17.) Durley was allowed to proceed on a First Amendment retaliation claim against the defendant. On March 7, 2023, because all parties consented to magistrate jurisdiction, this case was reassigned to this court. (ECF No. 21.)

On March 28, 2023, the defendant filed a motion to revoke Durley's *in forma pauperis* status and to stay the deadline to file an answer to the complaint. (ECF No. 23.) On May 2, 2023, the court granted the defendant's motion to revoke Durley's *in forma pauperis* status, finding that Durley had incurred three "strikes" under 28 U.S.C. § 1915(g) and that his complaint did not indicate he was in imminent danger, so he did not qualify for the exception to the three strike rule. (ECF No. 28.) Durley

was informed that, if he wished to continue his case, he must pay the remaining \$400.31 balance of his filing fee by June 2, 2023.

Durley then filed several motions asking the court to reconsider its revocation of his *in forma pauperis* status (ECF Nos. 30, 36, 37), all of which the court denied. (ECF Nos. 34, 40.) On June 12, 2023, the court dismissed Durley's lawsuit because he failed to pay the full filing fee. (ECF No. 41.) Durley now files a motion for reconsideration of his dismissal, and essentially renews his arguments from his previous motions for reconsideration. (ECF No. 44.)

For the reasons given in the court's previous orders, the court **DENIES** Durley's motion for reconsideration. (ECF No. 44.)

Dated at Milwaukee, Wisconsin this 5th day of July, 2023.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN
United States Magistrate Judge